



House of Representatives

General Assembly

File No. 35

January Session, 2011

House Bill No. 6176

House of Representatives, March 7, 2011

The Committee on Labor and Public Employees reported through REP. ZALASKI of the 81st Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING INCREASING PENALTIES FOR REPEAT VIOLATORS OF THE PERSONNEL FILES ACT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 31-69a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2011*):

3 (a) In addition to the penalties provided in this chapter and chapter
4 568, any employer, officer, agent or other person who violates any
5 provision of this chapter, [chapter 563a,] chapter 557 or subsection (g)
6 of section 31-288 shall be liable to the Labor Department for a civil
7 penalty of three hundred dollars for each violation of said chapters
8 and for each violation of subsection (g) of section 31-288, except that (1)
9 any person who violates (A) a stop work order issued pursuant to
10 subsection (c) of section 31-76a shall be liable to the Labor Department
11 for a civil penalty of one thousand dollars and each day of such
12 violation shall constitute a separate offense, and (B) any provision of
13 section 31-12, 31-13 or 31-14, subsection (a) of section 31-15 or section
14 31-18, 31-23 or 31-24 shall be liable to the Labor Department for a civil

15 penalty of six hundred dollars for each violation of said sections, and
 16 (2) a violation of subsection (g) of section 31-288 shall constitute a
 17 separate offense for each day of such violation.

18 (b) Any employer, officer, agent or other person who violates any
 19 provision of chapter 563a shall be liable to the Labor Department for a
 20 civil penalty of five hundred dollars for the first violation of chapter
 21 563a related to an individual employee, and for each subsequent
 22 violation of said chapter related to such individual employee, shall be
 23 liable to the Labor Department for a civil penalty of one thousand
 24 dollars.

25 [(b)] (c) The Attorney General, upon complaint of the Labor
 26 Commissioner, shall institute civil actions to recover the penalties
 27 provided for under [subsection] subsections (a) and (b) of this section.
 28 Any amount recovered shall be deposited in the General Fund and
 29 credited to a separate nonlapsing appropriation to the Labor
 30 Department, for other current expenses, and may be used by the Labor
 31 Department to enforce the provisions of chapter 557, chapter 563a, this
 32 chapter and subsection (g) of section 31-288 and to implement the
 33 provisions of section 31-4.

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2011	31-69a
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LAB *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note**State Impact:**

Agency Affected	Fund-Effect	FY 12 \$	FY 13 \$
Labor Dept.	GF - Revenue Gain	Less than \$6,000	Less than \$6,000

Note: GF=General Fund

Municipal Impact: None

Explanation

Increasing the fines for violating the Personnel Files Act may result in a revenue gain to the state estimated to be less than \$6,000. For FY 10, there were 22 complaints of violations of the Personnel Files Act, of which 2 complaints were against companies that had previously violated the act.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**HB 6176*****AN ACT CONCERNING INCREASING PENALTIES FOR REPEAT VIOLATORS OF THE PERSONNEL FILES ACT.*****SUMMARY:**

This bill increases the fine for violating the Personnel Files Act from (1) \$300 to \$500 for a first violation and (2) \$300 to \$1,000 for any subsequent violations related to the same employee. Upon a complaint from the labor commissioner, the attorney general must initiate a lawsuit in civil court to recover these penalties.

The Personnel Files Act (1) requires employers to provide employees with access to the employee's personnel file and medical records maintained by the employer and (2) prohibits their disclosure without the employee's consent.

EFFECTIVE DATE: October 1, 2011

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable

Yea 10 Nay 0 (02/24/2011)